

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NEYEMBO MIKANDA,

Plaintiff,

-against-

CHIEF OF POLICE ANTJE MCNEELY,

Defendant.

23-CV-8169 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff filed this action *pro se* without the \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or a request to proceed *in forma pauperis* (“IFP”), that is, without prepayment of fees. *See* 28 U.S.C. §§ 1914, 1915.

By order dated October 10, 2023, the Court directed Plaintiff to either pay the \$402.00 in fees or submit a completed IFP application within thirty days. On October 27, 2023, Plaintiff filed a “Notice of Change of Venue to Canada District Court.” (ECF No. 5.) On October 31, 2023, the Court’s October 10, 2023 order was returned to the court with a notation on the envelope indicating that the mail was undeliverable to that address. Plaintiff has not complied with the Court’s order and has failed to notify the court of a change of mailing address. Accordingly, Plaintiff’s complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915. Plaintiff’s request for change of venue (ECF No. 5) is denied as moot. If Plaintiff wishes to pursue these claims, he may file an action in the appropriate Canadian court.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Court directs the Clerk of Court to enter judgment in this case.

SO ORDERED.

Dated: November 15, 2023
New York, New York

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge